

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TRIPLE AAA ASSOCIATION FOR
CHILDREN WITH DEVELOPMENTAL
DISABILITIES, suing on behalf of member
Bradford,

Civil No. 06-cv-2528-LAB-POR

Plaintiff,

v.
2498 MARKET ST SAN DIEGO CA 92102-
2931; LINDA L GREENBERG, Trustee;
RONALD E AND LINDA L GREENBERG
TRUST; ADABERTOS MEXICAN FOOD;
JOB DAVILA; DOES 1 THROUGH 10,
Inclusive,

**ORDER VACATING EVIDENTIARY
HEARING [Docket # 5]**

Defendants.

By Order dated March 13, 2007 the Court ordered that an evidentiary hearing would be held on April 12, 2007 at 2:00 p.m. to consider a motion by Defendants for a determination that modifications requested by Plaintiff are not "readily achievable." The Court's Order set out a briefing schedule for the motion and stated that Defendants should file their motion on or before March 29, 2007. To date, no motion for such a determination has been filed in this case. Therefore, the Court hereby VACATES the evidentiary hearing set for April 12, 2007 at 2:00 p.m.

If Defendants intend to pursue an evidentiary hearing on whether modifications are "readily achievable," the parties shall file a joint motion requesting that the Court set a new briefing schedule and hearing date. The parties are cautioned that if a Joint Motion for Dismissal is signed by this Court, the Court may lose jurisdiction to make factual findings whether modifications not addressed

1 by the parties' settlement agreement are "readily achievable."

2 IT IS SO ORDERED.

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4 DATED: April 17, 2007


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6 LOUISA S PORTER
7 United States Magistrate Judge

8 cc: The Honorable Larry Alan Burns

9 All parties

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